

BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Marc E. Hirschfield  
Email: [mhirschfield@bakerlaw.com](mailto:mhirschfield@bakerlaw.com)

Presentment Date: July 16, 2009  
Time: 12:00 p.m.

Objections Due: July 16, 2009  
Time: 10:00 a.m.

*Attorneys for Irving H. Picard, Esq., Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
And Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF PRESENTMENT OF TRUSTEE'S MOTION  
FOR AN ORDER APPROVING THE RETENTION OF  
WINDELS MARX LANE & MITTENDORF, LLP  
AS SPECIAL COUNSEL *nunc pro tunc* AS OF JUNE 9, 2009**

**PLEASE TAKE NOTICE** that upon the motion of Irving H. Picard, Esq., as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff, for authority to retain Windels Marx Lane & Mittendorf, LLP as special counsel *nunc pro tunc* as of June 9, 2009, the undersigned will

present the proposed order (the “Order”) submitted herewith to the Honorable Burton R. Lifland, United States Bankruptcy Judge, for signature and entry on **July 16, 2009 at 12:00 noon**.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the proposed Order (“Objections”), shall (i) be in writing, (ii) conform to the Federal Rules of Bankruptcy Procedure, Local Bankruptcy Rules and General Orders, (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefor, (iv) filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with a proof of service, and a courtesy copy delivered to the chambers of the Honorable Burton R. Lifland, One Bowling Green New York, New York 10004, (v) served upon (a) Baker & Hostetler, LLP, Counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David Sheehan, and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq. so as to be received no later than **10:00 a.m. on July 16, 2009**.

**PLEASE TAKE FURTHER NOTICE**, that in the event any Objections are timely served and filed, a hearing may be held before the Honorable Burton R. Lifland, United States Bankruptcy Judge, at a date to be scheduled by the Court, upon such additional notice as the Court may direct. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

**PLEASE TAKE FURTHER NOTICE**, that, unless Objections are timely served and  
filed, the proposed Order may be signed without a hearing.

Dated: New York, New York  
July 10, 2009

Respectfully submitted,

/s/ David J. Sheehan

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*Attorneys for Irving H. Picard, Esq. Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*